

REMARKS

Claims 1 to 7 remain in this application.

The description has been amended to provide basis for reference characters 64 and 68 used in the drawings.

The Title, description and claims have been amended in editorial manner to correct the spelling of permeameter.

Reconsideration of the rejection of the claims is requested.

Claim 1 has been rejected as being unpatentable over Kowalski and Sephton.

Kowalski is non-analogous to the claimed structure and method.

Kowalski is directed to a method and apparatus for testing membrane filters in an on-site-of-use housing. In the embodiment of Fig. 1, filter cartridges 30 are mounted within a housing 10 and tested for acceptability. As described, the housing 10 has an inlet 24 and an outlet 25. In order to test a cartridge 30, a test liquid is delivered through the inlet 24 into a filter chamber 13 and is exhausted through the outlet 25. (see column 3, lines 14 to 45). During this time, a sight glass 17 becomes filled with test liquid. (see column 4, lines 41 to 54). After a circulating flow of test liquid has been maintained for a nominal period of time, the inlet 24 is closed by the valve 40 and a nominal pressure is provided to the inlet area of the chamber 13 by connecting line 19 to line 37 by valve 35. (column 4, lines 61 to 67).

If during the period nominal pressure is being provided to chamber 13, it is noted that air bubbles appear in one of the indicating means or a sight glass 17 this is taken as an indication of a defective cartridge 30 under test. The test either can continue or can be terminated. The defective cartridge 30 would then be replaced. (see column 5, lines 6 to 17).

In the embodiment of Figs. 2 and 3, the membrane filter cartridge 30 is replaced by a disk-type membrane filter 130.

Claim 1 is directed to a differential preameter comprising "a pair of flow systems ... a reservoir connected in common to such flow systems ... a fan for drawing fluid through such systems into said reservoir...". Kowalski does not describe or teach such a structure. In particular, Kowalski does not describe or teach a fan nor does Kowalski teach the use of a fan for drawing fluid through a pair of flow systems. Further, Sephton does not provide any teaching that would motivate one of ordinary skill in the art to modify Kowalski in a manner that would result in the claimed structure.

Note is made that Kowalski is directed to the testing of a filter cartridge or membrane or multiplicity of filter cartridges or membranes to determine if any one is defective. Applicant's structure is directed to testing the permeability of a filter membrane relative to a reference filter membrane. Accordingly, Kowalski is directed to a non-analogous structure.

In view of the above, a rejection of Claim 1 as being unpatentable over Kowalski and Stephton is not warranted pursuant to the provisions of 35 U.S.C. 103.

Claim 1 further requires "a pair of orifice plates, each said plate being disposed in a respective flow system ... to create a measurable pressure drop in a fluid passing therethrough". Kowalski is void of any teaching of creating a pressure drop in the test liquid passing through a filter cartridge 30 (or membrane 130) and Sephton is void of any teaching that would motivate one of ordinary skill in the art to so modify Kowalski. For this additional reason, a rejection of Claim 1 as being unpatentable over Kowalski and Stephton is not warranted pursuant to the provisions of 35 U.S.C. 103.

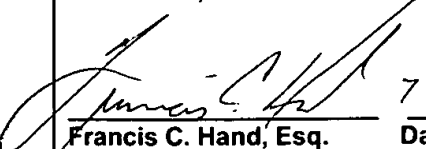
Claims 2 to 5 depend from Claim 1 and are believed to be allowable for similar reasons.

Claim 6 is directed to a method comprising the steps of "placing a sheet-like reference sample of known permeability in communication with a reference fluid flow system; placing a sheet-like test sample of unknown permeability in communication with a test fluid flow system ...". As noted above, Kowalski does not describe or teach a method including such steps and Sephton is void of any teaching that would motivate one of ordinary skill in the art to so modify Kowalski. In fact, for reasons as expressed above, Kowalski is directed to a non-analogous method.

In view of the above, a rejection of Claim 6 over Kowalski and Sephton is not warranted pursuant to the provisions of 35 U.S.C. 103.

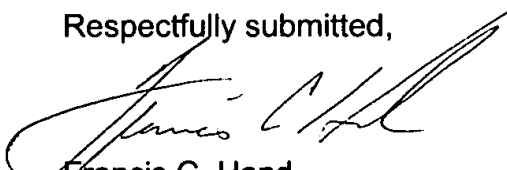
Claim 6 further recites specific steps not found in Kowalski, such as the step of "adjusting the pressure drop of the fluid flow stream across one or both samples to a fixed standard" Accordingly, for this additional reason, a rejection of Claim 6 over Kowalski and Stephton is not warranted pursuant to the provisions of 35 U.S.C. 103.

The application is believed to be in condition for allowances and such is respectfully requested.

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